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DATE: January 21, 2004

PTO IDENTIFIER: Application Number 09/281674-Conf #7512  
Patent Number

Inventor: Hermann Bujard et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: LAHIVE &amp; COCKFIELD, LLP

DeAnn F. Smith

PHONE: (617) 227-7400

Attorney Dkt. #: BBI-013C3CN2RCE

PAGES (Including Cover Sheet): 16

CONTENTS: Certificate of Transmission under 37 CFR 1.8 (1 page);  
Amendment Transmittal (1 page);  
Supplemental Amendment and Response (7 pages);  
Terminal Disclaimer (3 pages);  
Three Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page);  
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LAHIVE & COCKFIELD, LLP  
28 State Street, Boston, Massachusetts 02109  
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

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| AMENDMENT TRANSMITTAL LETTER   |   |   |                                   | Docket No.<br>BBI-013C3CN2RCE |        |
|--|---|---|-----------------------------------|-------------------------------|--------|
| Application No.<br>09/281674-Conf #7512  |   | Filing Date<br>March 30, 1999           |                                   | Examiner<br>R Shukla          |        |
| Applicant(s) Hermann Bujard et al  |   |   |                                   | Art Unit<br>1632              |        |
| Invention: METHODS FOR REGULATING GENE EXPRESSION  |   |   |                                   |                               |        |
| <b>TO THE COMMISSIONER FOR PATENTS</b>   |   |   |                                   |                               |        |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.  |   |   |                                   |                               |        |
| <b>CLAIMS AS AMENDED</b>   |   |   |                                   |                               |        |
|  | Claims<br>Remaining<br>After<br>Amendment | Highest<br>Number<br>Previously<br>Paid | Number<br>Extra Claims<br>Present | Rate                          |        |
| Total Claims   | 24  | - 26 =                                  |                                   | x                             | 0 00   |
| Independent<br>Claims  | 4   | - 4 =                                   |                                   | x                             | 0 00   |
| Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>  |   |   |                                   |                               | 0.00   |
| Other fee (please specify): Extension for response within third month  |   |   |                                   |                               | 950 00 |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>  |   |   |                                   |                               | 950.00 |
| <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity   |   |   |                                   |                               |        |
| <input type="checkbox"/> No additional fee is required for this amendment  |   |   |                                   |                               |        |
| <input checked="" type="checkbox"/> Please charge Deposit Account No. 12-0080 in the amount of \$ 950.00<br>A duplicate copy of this sheet is enclosed   |   |   |                                   |                               |        |
| <input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed   |   |   |                                   |                               |        |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached   |   |   |                                   |                               |        |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 12-0080<br>as described below. A duplicate copy of this sheet is enclosed.  |   |   |                                   |                               |        |
| <input checked="" type="checkbox"/> Credit any overpayment   |   |   |                                   |                               |        |
| <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.   |   |   |                                   |                               |        |
| DeAnn F. Smith<br>Attorney Reg No. 36,683<br><br>LAHIVE & COCKFIELD, LLP<br>28 State Street<br>Boston, Massachusetts 02109<br>(617) 227-7400   |   |   |                                   | Dated January 21, 2004        |        |
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.<br>Dated: January 21, 2004 Signature: <u>DeAnn F. Smith</u> (DeAnn F. Smith) |   |   |                                   |                               |        |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTER****JAN 21 2004**In re the application of: Hermann Bujard *et al*

Serial No.: 09/281,674

Filed: March 30, 1999

For: *METHODS FOR REGULATING GENE  
EXPRESSION*

Attorney Docket No.: BBI-013C3CN2RCE

Group Art Unit: 1632

Examiner: R. Shukla

**OFFICIAL**Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Examiner Shukla**Certificate of Facsimile**

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Dated: January 21, 2004

Signature: 

(DeAnn F. Smith)

**SUPPLEMENTAL AMENDMENT AND RESPONSE**

Dear Sir:

This is a Supplemental Amendment and Response to the Final Office Action mailed May 16, 2003 (Paper No. 27) and the Advisory Action mailed October 28, 2003 (Paper No. 29). Please amend the above-identified patent application as follows: